

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VIOLA PLUMMER,

Plaintiff,

-against-

CHRISTINE QUINN, Speaker of the City Council,  
CITY OF NEW YORK,

Defendants.

**DECLARATION OF ERIC  
EICHENHOLTZ IN SUPPORT  
OF DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

07 Civ. 6154 (WHP)

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**ERIC EICHENHOLTZ** declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants Christine Quinn, Speaker of the City Council and the City of New York in the above-captioned action. I submit this declaration in support of defendants' motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.
2. Annexed hereto as Exhibits "A" through "V" are documents and excerpts from deposition testimony taken in this action that are relied upon and cited in defendant's Local Rule 56.1 Statement and memorandum of law, submitted herewith in support of defendant's motion for summary judgment. These documents are as follows:
  - A. A copy of the Second Amended Complaint in this action.
  - B. Stipulation dated October 11, 2007.
  - C. Transcript of plaintiff's deposition, taken in this action on August 8, 2007.

D. Transcript of the deposition of Charles Barron, Member of the New York City Council, taken in this action on August 20, 2007.

E. Transcript of the deposition of Charles Meara, taken in this action on August 14, 2007.

F. Transcript of the deposition of Christine Quinn, Speaker of the New York City Council, taken in this action on August 16, 2007.

G. Transcript of the deposition of Betsy Gotbaum, Public Advocate, taken in this action on August 9, 2007.

H. Transcript of the deposition of Carl D'Alba, taken in this action on August 15, 2007.

I. Transcript of the deposition of Wayne Kwadler, taken in this action on August 13, 2007.

J. Transcript of the deposition of Leroy Comrie, Member of the New York City Council, taken in this action on August 13, 2007.

K. Transcript of the deposition of Israel Martinez, taken in this action on August 20, 2007.

L. Letter, dated September 5, 2005, requesting appointment of Viola Plummer.

M. Transcript of the May 30, 2007 Stated Meeting of the New York City Council.

N. Agenda for the May 30, 2007 Stated Meeting of the New York City Council.


O. Rules of the New York City Council, effective February 1, 2006.

P. Video recording of the May 30, 2007 Stated Meeting.

- Q. Audio extract from the video recording attached as Exhibit "P."
- R. Digital audio recording of Viola Plummer, May 30, 2007.
- S. Letter from Charles Meara to Viola Plummer, dated June 28, 2007.
- T. Letter from Charles Meara to Viola Plummer, dated July 5, 2007.
- U. Letter from Charles Meara to Viola Plummer, dated July 9, 2007.
- V. E-mail correspondence between Charles Meara and Christine Quinn, dated July 9, 2007.

**WHEREFORE**, defendant respectfully requests that this Court grant defendants' motion for summary judgment and dismiss the second amended complaint in its entirety, with costs, disbursements and such other and further relief as the Court deems just and proper.

Dated: New York, New York  
October 30, 2007

  
Eric Eichenholtz  
Assistant Corporation Counsel